

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 1029 (S/S) of 2007

Braham Jeet Singh Negi S/o Late Sri Charan Singh Negi
R/o Village Gair, Post Office Kandara Tehsil Ukhimath
District- Rudraprayag ----- Petitioner

Versus

1. State of Uttarakhand through its Secretary Education Department
2. Director, Education Department, Mayur Vihar, Dehradun
3. District Basic Education Officer, District Rudraprayag
4. District Education Officer, Rudraprayag
----- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Pundir, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus directing the respondents to appoint the petitioner on Class IVth Post.
2. Issue a writ, order or direction in the nature of mandamus directing to respondent no. 2 to take decision in the matter of the petitioner as recommended by the Divisional Joint Director of Education vide letter dated 11.8.2006 (Annexure No. 7).
3. Issue any other order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
4. Award cost of the petition to the petitioner.

The claim of the petitioner is that sometime in the year 1992, the father of the petitioner had donated some land for the construction of a school in Village Gair, Post Office Kandara Tehsil Ukhimath District- Rudraprayag. Now the petitioner is claiming appointment in pursuance to the Government Order issued by the State of U.P. on 29th February, 1996.

The G.O. is in respect of those persons, who have been displaced by way of acquiring their land for any project. This is not the case of acquisition of land. The petitioner's father donated some land. The G.O. is not applicable on the petitioner nor the petitioner is entitled to get any relief under this Government Order.

The writ petition is devoid of merit and is, accordingly, dismissed. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

10.08.2007
VKS